

Amendment No. 1 to HB0327

DeBerry J
Signature of Sponsor

AMEND Senate Bill No. 859

House Bill No. 327*

by adding the following new sections to the bill as amended by the amendment with drafting number 601334 and redesignating existing sections accordingly:

SECTION 10. Tennessee Code Annotated, Section 37-1-102(b)(12), is amended by adding the following new subdivision (J):

(J)

(i) Who has willfully and intentionally, without good cause, been left in the sole financial care and sole physical custody of a related caregiver for not less than eighteen (18) consecutive months by the child's parent, parents or legal custodian to the related caregiver, and the child will suffer substantial harm if removed from the continuous care of such relative;

(ii) For the purposes of this subdivision (b)(12)(J), a related caregiver shall include the child's biological, step, or legal grandparent, great grandparent, sibling, aunt, uncle, or any other person who is legally or biologically related to the child;

(iii) For the purposes of this subdivision (b)(12)(J), a child intentionally and willfully left with a related caregiver as defined in subdivision (b)(12)(J)(ii) because of the parent's military service shall not be subject to action pursuant to § 37-1-183;

SECTION 11. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following new section:

§ 37-1-183.

If the court finds that a child is dependent and neglected as defined in § 37-1-102(b)(12)(J), the court shall order the child to remain in the related caregiver's custody

if such an arrangement is in the best interest of the child. Any future order for modification or termination of the related caregiver's custody brought by the child's parent shall be based on a finding, by a preponderance of the evidence, that there has been a substantial change in material circumstances. When making such a determination, the court may consider whether the child's parent is currently able and willing to care for the child, or that the related caregiver is unable to continue to care for the child.